

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JORGE AJEJANDRO ROJAS

Plaintiff,

vs.

Case No. 2:23-cv-12140-LVP-EAS
Hon. District Court Judge Linda V. Parker
Hon. Magistrate Judge Elizabeth A. Stafford

DV INJURY LAW PLLC,
VENAR RAAD AYAR and
DANIEL P. HEILBRUN,
Defendants.

AFFIRMATIVE DEFENSES

NOW COME DEFENDANTS and they file their Affirmative Defenses as follows:

1. Plaintiff's claims fail due to the defense of fraud.
2. Plaintiff's claims are barred by statutes of limitations.
3. Plaintiff's claims fail, in whole or in part, to state a claim upon which relief can be granted.
4. Plaintiff's claims are barred, in whole or in part by Plaintiff's failure to mitigate his alleged damages and/or his alleged damages have already been mitigated in whole or in part.
5. Plaintiff's claims fail, in whole or in part, due to estoppel, laches and/or unclean hands.
6. Plaintiff's claims are barred by the doctrines of release and waiver.
7. Plaintiff's alleged injuries were caused by intervening and/or superseding causes including, without limitation, the conduct of third parties over whom the Defendants had no control.
8. Plaintiff's claims fail, in whole or in part, as the alleged injuries were proximately caused by the negligence or other culpable conduct of persons or entities other than the Defendant, including but not limited to the Plaintiff and regardless of whether or not such persons or entities are a party to this case at the time of trial.

9. Plaintiff's claims fail because the Defendants acted in good faith in their dealings with the Plaintiff.
10. The alleged damages, if any, were caused by persons and/or entities, other than the Defendants, including but not limited to the Plaintiff, who engaged in intentional, willful, or unlawful conduct that was without the knowledge, authorization or ratification of the Defendants.
11. Defendants reserve the right to supplement and/or amend their Answer and/or Affirmative Defenses as evidence is discovered during this litigation.

WHEREORE, Defendants pray for a dismissal with prejudice at Plaintiff's cost, the awarding of sanctions against the Plaintiff for his filing his action in bad faith, that Plaintiff be ordered to pay for Defendants' actual attorney fees and costs incurred and other relief as is deemed appropriate.

Respectfully submitted,
/S/ Mark L. Teicher (P34301)

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November 28, 2023